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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,796	07/12/2001	Charles T. Shotton JR.	032393.0002	7467
21967	7590	12/03/2004	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			NGUYEN, CAM LINH T	
		ART UNIT		PAPER NUMBER
		2161		
DATE MAILED: 12/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,796	SHOTTON ET AL.	
	Examiner	Art Unit	
	CamLinh Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 June 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Dan Kikinis (U.S. 5,727,159).

♦ As per claim 1, 14, 21 - 22,

Dan Kikinis (U.S. 5,727,159) discloses an apparatus comprising:

- “Retrieval means for retrieving a first set of data from a first predetermined data source and a second set of data from a second predetermined data source, said first set of data and said second set of data each being in any one of several possible formats” See Fig. 4, in particular:

- “A first set of data” corresponds to the home page that the web server sends to proxy server (Fig. 4, element 87, 89, col. 10, lines 5 – 8).
- “A first predetermined data source” corresponds to a particular web server that sends data to the proxy server (preferred as first data source).
- “A second set of data from a second predetermined data source” See col. 12, lines 11 – 30. Data can be cached from other Internet servers. Therefore, this data is corresponding to the second set of data. The “other Internet server” corresponds to the “second predetermined data source”.

- “First set of data in any one of a plurality of possible formats” See col. 10, lines 9 – 18. There are plurality of files can be downloaded to the proxy server. There are at least two formats included: image file and text file formats.
- “Analyzing means for analyzing said first set of data to select a first subset of data included in said first set of data” See col. 10, lines 9 – 18. retrieving the image file corresponds to the first subset of data that included in the home page (first set of data).
- “Analyzing said second set of data to select a second subset of data included in said second set of data” As noted above, the data can be obtained from different providers, therefore, the proxy server must be able to analyzing the data to retrieve further data as need for the request.
- “Means for displaying said first subset of data and said second subset of data a a display device” See Fig. 4, element s 105, 107, col. 10, lines 30 – 35.

◆ As per claim 15, Kikinis discloses:

- “First predetermined data source is an Internet source” (See col. 12, lines 11 – 13, Kikinis).

◆ As per claim 16, Kikinis discloses:

- “Second predetermined data source is an Intranet resource” See column 11 line 58 - 60, Kikinis.

◆ As per claim 17 - 18, Kikinis discloses:

- “Display device is a television monitor” See Fig. 1, column 4 line 35 - 48, Kikinis.

◆ As per claim 19, Kikinis discloses:

- “Display device is a screen on a web-enabled telephone” See Fig. 1- 2, Kikinis.

♦ As per claim 20, Kikinis discloses:

- “Display device is a screen on a PDA” See Fig. 1, column 4 line 35 - 48, Kikinis.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 13, 22 - 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan Kikinis (U.S. 5,727,159).

♦ As per claim 1, 14, 21 - 22,

Dan Kikinis (U.S. 5,727,159) discloses an apparatus comprising:

- “Retrieval means for retrieving a first set of data from a first predetermined data source, said first set of data including a second set of data” See Fig. 4, in particular:

- “A first set of data” corresponds to the home page that the web server sends to proxy server (Fig. 4, element 87, 89, col. 10, lines 5 – 8).
- “A first predetermined data source” corresponds to a particular web server that sends data to the proxy server (preferred as first data source).
- “A second set of data” See col. 10, lines 9 – 18. There are plurality of files can be downloaded to the proxy server. There are at least two formats included: image file and text file formats. As noted, the JPG file is included in the home page.

Therefore, this JPG file corresponds to the second set of data.

- “Analyzing means for analyzing semantics, format, or position of second set of data within said first set of data” See col. 10, lines 9 – 18. The proxy server analyzes the home page format and retrieving the image file that included in the home page. Further, the format of the image file is recognized. In this case, it is a JPG format. Therefore, the proxy server must be able to analyzing the data to retrieve further data as need for the request.
- “A fourth set of data” corresponds to the addition file that to be retrieved by the program. (Col. 10, lines 16 – 18)

Kikinis does not clearly disclose an agent comprising instructions based on said analysis of said of data. However, Kikinis discloses a program for processing commands from the user (Fig. 2, col. 6, lines 6 – 15). Clearly, the program must include instructions to execute user command. Therefore, this program corresponds to the “agent”. It is clear that the claimed provision is inherited. Nonetheless, to expedite prosecution, even if the limitation of the above were not inherent, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include such an agent in order to simplify the processing.

♦ As per claim 2,

- “Said retrieval, storing, recalling all reside and execute on a single computer device” See Fig. 1- 2, Kikinis.

♦ As per claim 3 - 4,

- “Storing means for storing said fourth said of data in a data store in a predetermined storage format” See Fig. 4, element 99 – 101.

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- “Display device is a television monitor” See Fig. 1, column 4 line 35 - 48, Kikinis.
- ◆ As per claim 5 - 6, 10,
 - “First set of data includes data about a device state from a home gateway system” See fig. 4, Kikinis.
- ◆ As per claim 7 - 8,
 - “Display device is a screen on a web-enabled telephone” See Fig. 1- 2, Kikinis.
- ◆ As per claim 9,
 - “Display device is a screen on a PDA” See Fig. 1, column 4 line 35 - 48, Kikinis.
- ◆ As per claim 11 - 13,
 - “Identifying first, second, third candidates” corresponds to the identifying of ID, the size, resolution of the portable device (see column 10 line 20 - 24, Kikinis). Based on those parameters, the system of Kikinis will convert the data into a format to be displayed on the identified computer.
- ◆ As per claim 23,

Claim 23 is rejected based on the rejection of claim 1, 11 - 14, and 22- 23.
- ◆ As per claim 27,
 - “ Said second set of data is similar to said fourth set of data” as noted above, there plurality of file can be retrieved from a home page, in which it is similar with the first data file. Because the fourth set of data is the subset of second set data, it must be similar to each other.

3. Claims 24 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan Kikinis (U.S. 5,727,159) in view of Hans Verner Thorsen (U.S. 6,052,688).

◆ As per claim 24 – 26, 28 – 29,

The Kikinis fails to disclose the teaching of “a scheduling application for activating said retrieval means at scheduled time intervals”. However, Thorsen, on the other hand, discloses a computer-implemented control of access to atomic data items, in which, including the teaching of specifying a time value or a time interval for the data to be retrieved (See col. 4 line 57 – 60, Thorsen). The teaching of Thorsen also is in the same field with Kikinis (access data and retrieving data). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Thorsen about specifying time interval for the data to be retrieved, into the system of Kikinis, because the combination would provided more controlling in the files to be accessed. Specified user can only access data files in a limited of time. A certain data can only be retrieved at a certain time.

Response to Arguments

1. Applicant's arguments filed 06/24/04 have been fully considered but they are not persuasive.

Applicant's amendments to claims 1 – 29 are acknowledged. Consequently, Applicant just substitutes term “format” with term “syntax” for independent claims. The Examiner respectfully notes that the meaning of “format” and “syntax” are to be the same based on the broadest meaning of them.

Applicant argues that the Kikinis reference fails to teach, “analyzing means for analyzing semantics, syntax, or position of said second set of data within said first set of data” (See page 10 of the Remark). The Examiner respectfully disagrees.

Referring to ” col. 10, lines 9 – 18, the proxy server analyzes the home page format and retrieving the image file that included in the home page. Further, the format of the image file is recognized. In this case, it is a JPG format. Therefore, the proxy server must be able to analyzing the data format to retrieve further data as need for the request. In addition the system also analyzes the position of data on a page (see col. 10, lines 52 – 56). The claims languages are required a system that capable of analyzes semantics, syntax, or position of data. As indicated above, the Kikinis reference does disclose one of the limitations.

Therefore, the Kikinis reference still reads on the instant application.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Linh Nguyen
Art Unit 2171

LN



ALFORD KINDRED
PRIMARY EXAMINER